

REMARKS

Claims 1 – 9, 12 – 24 and 26 – 28 are pending in the above-identified application.

In the Office Action, Claims 1 – 9, 12 – 24 and 26 – 28 were rejected.

In this Amendment, Claims 1, 8 and 16 are amended. No new matter has been introduced as a result of this amendment.

Accordingly, Claims 1 – 9, 12 – 25, and 26 – 28 remain at issue.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-3, 5-7 and 26-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger), all of record. Applicant respectfully traverses these claim rejections.

Claim 1 is directed to a battery storage case, which includes a main body and a lid portion. Amended Claim 1 recites that the outer surface of the main body is elastically inwardly deformed and the lid portion is elastically outwardly deformed when the first projection train and the second projection train contact the third projection train during an insertion and an extraction of the main body into or out of the lid portion in a lengthwise direction.

Applicants submit that the cited references, taken singly or in combination, fail to teach or suggest the elastic deformations of the main body and the lid portion when their respective projections are made to engage each other during an insertion and an extraction in a lengthwise direction.

In contrast, WO '008 teaches that:

“the sleeve 1 is placed on the sleeve 2 such that the projections 6, which have earlier been turned about their longitudinal axes so as to be located immediately above the channel 9, will enter the channel, which thereby guides the projections 6 without resistance or hindrance”

(See page 3, lines 32 – 36). WO '008 further teaches that:

“when it is no longer possible to telescope the sleeves, the sleeve 1 is turned about their longitudinal axes in relation to the sleeve 2 so that the projections 6 will pass over the ridge 10, while deforming elastically the wall of one or both sleeves, where after the projections 6 move radially inwards between two projections 11 and the sleeve wall or walls return elastically to their original state.”

(See page 4, lines 2 – 9, and Abstract). Thus, WO ‘008 teaches that the wall of one or both sleeves is elastically deformed when the projections 6 pass over the ridge 10 in a radial direction. However, WO ‘008 fails to teach or suggest that the wall of one or both sleeves is elastically deformed when the projections 6 are proceeded lengthwise over projections 11 during an engagement or disengagement of the sleeve 2 with the sleeve 1 because the sleeve 1 and the sleeve 2 are not configured to engage each other by sliding lengthwise the projections 6 over projections 11.

Moreover, Nicholson teaches that both sleeves are threaded. No deformation of the sleeves 1 and 2 occurs due to their respective threads failing to engage each other in a lengthwise direction when they are threaded to each other. Further, in Redlinger, no projection trains are taught or suggested.

Thus, the cited references, taken singly or in combination, teach or suggest that the outer surface of the main body is elastically inwardly deformed and the lid portion is elastically outwardly deformed when the main body is inserted into or extracted from the lid portion whereby the first projection train and the second projection train are proceeded lengthwise over the third projection train..

Thus, Claim 1 is allowable over WO ‘008 in view of Nicholson and Redlinger, as are dependent Claims 2-3, 5-7 and 26-28 for at least the same reasons.

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over WO ‘008 in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger) as applied to claim 1 above and in further view of U.S. Patent No. 5,829,591 (Lyons). Claim 23 is dependent on Claim 1 show above to be allowable over WO ‘008 in view of Nicholson and Redlinger. Thus, Claim 23 is allowable over WO ‘008 in view of Nicholson and Redlinger and in further view of Lyons.

Claims 1-7 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D433, 562 (Redlinger), all of record. Rosler discloses a packing container formed of a pair of cylindrically shaped axially elongated hollow bodies with one fitting telescopically into the other. Further, threads formed on the inner surface of the outer hollow body are threaded onto teeth of the inner hollow body. Moreover, both threads and teeth extend at the same oblique angle to the longitudinal axis of the hollow bodies. Thus, Rosler fails to teach or suggest that the two hollow bodies elastically deform when the threads engage the teeth during the telescopic fitting of the two hollow bodies.

Thus, Claim 1 is patentable over Rosler in view of Nicholson and Redlinger, as are dependent Claims 2-7 for at least the same reasons.

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger) as applied to claim 1 above and in further view of 5,829,591 (Lyons).

Claim 23 is dependent on Claim 1 shown above to be allowable over Rosler in view of Nicholson and Redlinger. Thus, Claim 23 is allowable over Rosler in view of Nicholson and Redlinger and in further view of Lyons.

Claim 28 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D433,562 (Redlinger) as applied to claim 1 above and in further view of... (no reference cited here by the Examiner).

Claims 16 and 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO '008 in view of Nicholson. Claim 16 recites a distinguishable limitation analogous to that of Claim 1. Thus, Claim 16 is allowable over WO '008 in view of Nicholson, as are dependent Claims 18-20.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of Nicholson as applied to claim 16 above and in further view of U.S. Design Patent No. D 433,562 (Redlinger). Claim 17 is dependent on Claim 16 show above to be allowable over Rosler in view of Nicholson and Redlinger. Thus, Claim 17 is allowable over Rosler in view of Nicholson and Redlinger.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over WO '008 in view of Nicholson applied to claim 16 above and further in view of U.S. Design Patent No. D 433,562 (Redlinger). Claim 17 is dependent on Claim 16 show above to be allowable over WO '008 in view of Nicholson. Thus, Claim 17 is allowable over WO '008 in view of Nicholson and further in view Redlinger.

Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of Nicholson as applied as claim 16 above and further of U.S. Design Patent No. D 433,562 (Redlinger). Claim 21 is dependent on Claim 16 show above to be allowable over Rosler in view of Nicholson and Redlinger. Thus, Claim 21 is allowable over Rosler in view of Nicholson and Redlinger.

Claim 21 was rejected under 35 U.S.C. 103(a) s being unpatentable over WO '008 in view of Nicholson as applied to claim 16 above and further in view of U.S. Design Patent No. D433,562 (Redlinger). Claim 21 is dependent on Claim 16 show above to be allowable over WO '008 in view of Nicholson. Thus, Claim 21 is allowable over WO '008 in view of Nicholson and further in view Redlinger.

Claims 8 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO '008 in view of Nicholson and Design Patent No. 409,560 (Shim). Claim 8 recites the same distinguishable limitation as that of Claim 1. Shim teaches an ornamental design for a battery case that has a cross-section shaped as a pair of glasses. Thus, Shim also fails to teach or disclose the distinguishable limitation of Claim 8.

Thus, Claim 8 is allowable over WO '008 in view of Nicholson and Shim, as is dependent Claim 14.

Claims 9, 13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO '008 in view of Nicholson and Shim as applied to claim 8 above, and further in view of Redlinger. Claims 9, 13 and 15 are directly or indirectly dependent on Claim 8, shown above to be allowable over WO '008 in view of Nicholson and Shim. Thus, Claims 9, 13 and 15 are also allowable over WO '008 in view of Nicholson and Shim and further in view of Redlinger.

Claims 8, 12 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of Nicholson and Design Patent No. D 409,560 (Shim). As stated above, Rosler fails to teach or suggest that the two hollow bodies elastically deform when the threads engage the teeth during the telescopic fitting of the two hollow bodies.

Thus, Claim 8 is allowable over Rosler in view of Nicholson and Shim, as are dependent Claims 12 and 14 for at least the same reasons.

Claims 9, 13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of Nicholson and Shim as applied to claim 8 above, and further in view of Redlinger. Claims 9, 13 and 15 are dependent on Claim 8 shown above to be allowable over Rosler in view of Nicholson and Shim. Thus, Claims 9, 13, and 15 are allowable over Rosler in view of Nicholson and Shim and further in view of Redlinger.

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over WO '008 in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger) as applied to claim 1 above and in further view of Design Patent No. 409,560 (Shim). Claim 1 is allowable over WO '008 in view of Nicholson and Redlinger. Thus, Claim 24 is allowable over WO '008 in view of Nicholson and Redlinger and further in view of Shim.

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger) as applied to claim 1 above and in further view of Design Patent No. 409,560 (Shim).

Claim 1 is allowable over Rosler in view of Nicholson and Redlinger. Thus, Claim 24 is allowable over Rosler in view of Nicholson and Redlinger and in further view of Shim.

II. Conclusion

In view of the above amendments and remarks, Applicant submits that Claims 1– 9, 12 – 25, and 26 – 28 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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